

### **REMARKS/ARGUMENTS**

Claims 1 – 19 are presented for reconsideration and further examination in view of the following remarks. Claims 10 – 19 have been withdrawn.

In the outstanding Office Action, the Examiner rejected claims 1 – 3 and 6 – 9 under 35 U.S.C. §102(e) as being anticipated by U.S. Patent No. 6,798,473 to Kaneda et al. (hereinafter referred to as “the Kaneda et al. ‘473 patent”); and rejected claims 4 – 5 under 35 U.S.C. §103(a) as being unpatentable over the Kaneda et al. ‘473 patent.

By this Response and Amendment, the rejections have been traversed.

It is respectfully submitted that the above amendments and corrections do not introduce any new matter to this application within the meaning of 35 U.S.C. §132.

### **Rejection Under 35 U.S.C. §102(e)**

The Examiner rejected claims 1 – 3 and 6 – 9 as being anticipated by the Kaneda et al. ‘473 patent.

### **Response**

Applicant respectfully traverses the Examiner’s rejection since all of the features of the presently claimed invention are not disclosed, taught, or suggested by the cited prior art.

For a reference to anticipate an invention, all of the elements of that invention must be present in the reference. The test for anticipation under section 102 is whether each and every element as set forth in the claim is found, either expressly or inherently, in a single prior art reference. *Verdegaal Bros. v. Union Oil Co. of California*, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987); MPEP §2131. The identical invention must be shown in as complete detail as is

contained in the claim. *Richardson v. Suzuki Motor Co.*, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989); MPEP §2131.

Independent claim 1 recites "...a passivation layer on said TFT array substrate, said passivation layer having a transmissive portion and a reflective portion, where said reflection portion is thicker than said transmissive portion...."

In the Office Action, the Examiner believes that the Kaneda et al. '473 patent discloses a semi-transparent type liquid crystal display panel (please refer to Fig. 1 and Fig. 4) comprising: a transparent substrate (1a), a TFT array substrate (1b), a liquid crystal layer (7), a passivation layer (12) in Fig. 4), a reflection layer (2), and a flat color filter (4a/4b/4c). The transparent substrate (1a) has a common electrode (5a) and an alignment layer (6a). And the TFT array substrate further comprises a transparent conductive layer (5b) and an alignment layer (6b).

According to the opinion of the Examiner, the thickness of the reflection portion of the passivation layer (12) is thicker than the thickness of the transmissive portion (because the thickness of the transmissive portion is 0) as well as light throughout the reflection portion and the transmissive portion have the same color density (e.g., same color). Actually, in the Kaneda et al. '473 patent, another adjustment layer (3b) is provided and is used for adjusting the different height between the transmissive and reflection portion. Conversely, please refer to col. 5, lines 10 – 14, the reflection layer (0.08 to 0.2 micron meter) is thinner than the adjustment layer (0.3 – 1 micron meter) in the cited prior art.

In contrast to the presently claimed invention, although the passivation layer (12) in the cited patent is formed between substrate (1b) and reflection layer (2), the Kaneda et al. '473 patent does not disclose, teach or suggest "said passivation layer having a transmissive portion

and a reflection portion,” and the passivation layer is used for adjusting the different height of transmissive portion and the reflection portion. Actually, in the Kaneda et al. ‘473 patent, another adjustment layer (3b) is provided and is used for adjusting the different height between the transmissive and reflection portion. Therefore, it is completely different technology from the presently claimed invention and the Kaneda et al. ‘473 patent does not anticipate the presently claimed invention.

Accordingly, Applicant respectfully requests that the Examiner reconsider and withdraw the rejection under 35 U.S.C. §102(e).

#### **Rejections Under 35 U.S.C. §103(a)**

The Examiner rejected claims 4 and 5 as being obvious in view of the Kaneda et al. ‘473 patent.

#### **Response**

The arguments above with respect to the rejection under 35 U.S.C. §102(e) are hereby incorporated by reference. Applicant respectfully traverses the Examiner’s rejection since all of the features of the presently claimed invention are not disclosed, taught or suggested by the cited prior art.

To establish a *prima facie* case of obviousness, the Examiner must establish: (1) some suggestion or motivation to modify the references exists; (2) a reasonable expectation of success; and (3) the prior art references teach or suggest all of the claim limitations. *Amgen, Inc. v. Chugai Pharm. Co.*, 18 USPQ2d 1016, 1023 (Fed. Cir. 1991); *In re Fine*, 5 USPQ2d 1596, 1598 (Fed. Cir. 1988); *In re Wilson*, 165 USPQ 494, 496 (CCPA 1970).

“Independent claim 1 recites “...a passivation layer on said TFT array substrate, said passivation layer having a transmissive portion and a reflective portion, where said reflection portion is thicker than said transmissive portion....”

The Examiner agrees that the transparent conductive layer being between the flat color filter and the TFT array substrate is not described in the cited patent. The Examiner thinks that it would have been obvious to one of ordinary skill in the art at the time the invention was made to employ a transparent conductor layer between a flat color filter and a substrate instead of between the flat color filter and a liquid crystal layer, since it is a common practice in the art for displaying as well as it has been held that rearranging part of an invention involves only routine skill in the art. The Applicant does not agree with the Examiner.

The Kaneda et al. '473 patent does not disclose, teach or suggest all of the features of the presently claimed invention, such as: “a passivation layer on said TFT array substrate, said passivation layer having a transmissive portion and a reflective portion, where said reflection portion is thicker than said transmissive portion...” as recited in independent claim 1. Thus, there is no disclosure, teaching or suggestion in the Kaneda et al. '473 patent to employ “a transparent conductive layer between [a] flat color filter and [a] TFT array substrate” as recited in claim 4, instead of between the flat color filter and a liquid crystal layer. Besides, the passivation layer has an uneven surface, thereby forming a reflection surface (please refer to col. 7, lines 9 – 19). The purpose and effectiveness of the presently claimed invention cannot be derived from the cited patent. Therefore, the claims 4, 5 are patentable over US patent No. 6,798,473. Apparently, the citation teaches nothing about the aforementioned features set in the claimed invention and persons skilled in the art lack of the motivation to combine any prior art to achieve

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the present invention. Thus, the claimed invention is non-obvious to one of ordinary skill in the art at the time the invention was made.

Accordingly, Applicants respectfully request that the Examiner reconsider and withdraw the outstanding rejections.

### CONCLUSION

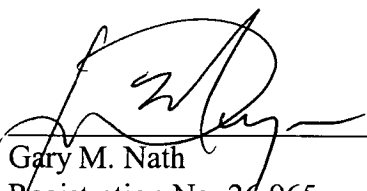
In light of the foregoing, Applicant submits that the application is now in condition for allowance. If the Examiner believes the application is not in condition for allowance, Applicant respectfully requests that the Examiner contact the undersigned attorney if it is believed that such contact will expedite the prosecution of the application.

In the event this paper is not timely filed, Applicant petitions for an appropriate extension of time. Please charge any fee deficiency or credit any overpayment to Deposit Account No. 14-0112.

Respectfully submitted,  
**NATH & ASSOCIATES PLLC**

Date: February 15, 2006  
NATH & ASSOCIATES PLLC  
112 South West Street  
Alexandria, VA 22314  
(703) 548-6284

By:



Gary M. Nath  
Registration No. 26,965  
Jerald L. Meyer  
Registration No. 41,194  
Derek Richmond  
Registration No. 45,771  
Customer No. 20529